

THE GEORGE WASHINGTON UNIVERSITY
Washington, D. C.

MINUTES OF REGULAR MEETING OF THE
FACULTY SENATE HELD ON OCTOBER 12,
1979, IN THE FACULTY CONFERENCE
ROOM, SIXTH FLOOR, LISNER HALL

1 The President called the meeting to order at 2:10 p.m.

Present: President Elliott, Registrar Gebhardtshauer, Parliamentarian Cheh, Birnbaum, Chandler, Chitwood, Claeysens, Gallagher, Gordon, Griffith, Heddesheimer, Jones, Park, Pierpont, Reising, Reiss, Robinson, Schiff, Shotel, Solomon, Toridis, Wood, and Ziolkowski.

Absent: Provost Bright, Amling, Barron, Fox, Ginsburg, Hill, Kelly, Liebowitz, Linkowski, Linton, Loeser, Packer, Sapin, Steiner, and Walker.

2 The minutes of the regular meeting of September 14, 1979, were approved as distributed.

3 Professor Wood, on behalf of the Executive Committee, moved the adoption of Resolution 79/4, "A Resolution to Amend the Faculty Code as to Grievance Procedure," and the motion was seconded. Professor Gallagher said that, as a member of a Hearing Committee in a present grievance, he would like the record to indicate that he was not participating in either the debate or the vote on this resolution. Professor Park said that he wished to offer an amendment substituting the following language for the underlined portion of the resolution:

. . . , provided that if the Hearing Committee finds that the complaint is based upon issues, evidence or allegations that have been previously heard and decided, or which should have been presented in a previous hearing, the Hearing Committee, in its discretion, may dismiss the complaint.

The motion was seconded by Professor Chandler. Professor Park said that this amendment would change four aspects of the resolution but he thought it kept intact the intent of the original resolution. The basic idea, he said, was to introduce into the grievance procedures of the faculty a "doctrine of repose" so that if a faculty member has once been heard fairly and completely on a dispute, essentially that same issue cannot be raised year after year. He said that grievance procedures are extremely expensive proceedings because the University hires counsel, transcripts are prepared at very substantial costs and a great amount of faculty members' time is required. The present procedures, he said, open themselves up to the possibility of abuse by people who are chronically discontent. On the other hand, Professor Park said that the faculty wants to assure that if there is a genuine grievance that it should be heard and if there is a grievance

that is fresh, based upon new conduct of the University or the parties, that it not be precluded from being heard simply because another complaint had been heard within the three-year limit proposed by the original resolution. Professor Park said that the amendment would eliminate the three-year limit and the absolute requirement that the complaint be dismissed but would require the appointment of a Hearing Committee to at least hear the allegations to determine whether they represent substantially new matter. If the allegations do not represent substantially new matter, then, Professor Park said, in the discretion of the Hearing Committee, the complaint may be dismissed. Professor Park said he thought that the language - "previously presented issues" - in the original resolution was an ambiguous term because it was not clear whether "issues" meant matters of evidence, matters of substantive complaint, or matters of the general spirit of conformity with the Faculty Code; whereas, the substitute resolution would say "issues, evidence, or allegations that have been previously heard. . . ." Basically, Professor Park said, the amendment would require (1) that a Hearing Committee be appointed to hear the complaint; (2) that the Hearing Committee might determine at the outset whether or not the issues, evidence, or allegations had been heard previously; (3) that the Hearing Committee might determine at the outset whether or not the new matter should have been heard previously; and (4) that the Hearing Committee be given the discretionary power to dismiss the complaint, if it finds that the issues, evidence, or allegations had or should have been heard in a previous proceeding.

Professor Reiss inquired whether there has been a record of abuse of the grievance procedures in light of the resolution before the Senate. Professor Wood replied that some people would say that there has been and he said he would like to read the chronology of events that took place in a grievance filed by Nicholas Kyriakopoulos in 1976 which is taken from a memorandum from Dr. Kyriakopoulos to Erik Winslow (former Chairman of the Grievance Committee):

Initial complaint	14 November 1976
Special Senate Committee Report	20 April 1977
Formal complaint	5 May 1977
Hearings	20, 21 September 1977
Letter of appeal	14 October 1977
Hearing of appeal	5 January 1978
Report of appeal panel	17 March 1978

In this grievance, Professor Wood said that the Hearing Committee found against Dr. Kyriakopoulos and the Grievance Committee upheld the decision. Subsequently, he said, Dr. Kyriakopoulos filed a second grievance in 1978, which has progressed through the formal hearing stage, the outcome of which is not yet known; nevertheless, he said, Dr. Kyriakopoulos has already filed an alleged third grievance.

Professor Griffith said that he would like to offer a technical amendment to the resolution to substitute the word "be" for the word "is" before the word "amend" in the first sentence, so that it would read: "Section E.3.b)1) be amended to read as follows. . . ." The reason for this amendment Professor Griffith explained was that he understood that the Senate was only an advisory body to the President and the Board of Trustees, and, therefore, could only recommend amendments to the Faculty Code for approval by the President and Board of Trustees. Professor Wood said that he would not object to that change since Senate resolutions have to be approved by the Board of Trustees unless it is a resolution commending the basketball team or something like that, and that he would accept Professor Griffith's amendment on behalf of the Executive Committee.

Professor Ziolkowski asked if the present grievance procedures do not permit dismissal of a complaint and Professor Wood responded that the present procedures do not permit a complaint to be dismissed and that he has been informed by Nicholas Kyriakopoulos and others that he, as Chairman of the Executive Committee, has very little authority other than to initiate the grievance procedures. Professor Griffith spoke in favor of the amendment because he thought it properly provided the discretion the Hearing Committee ought to have to determine whether or not a complaint should be dismissed and removes the rigidity in the present grievance procedures and in the original resolution. Professor Wood said that he also supported the amendment. The question was called on Professor Park's amendment and the amendment was adopted. The question was then called on the original motion, as amended, and it was adopted. (Resolution 79/4, as amended, is attached.)

4 No Resolutions were introduced under Introduction of Resolutions.

5 (a) Professor Wood nominated Theodore G. Toridis, Professor of Engineering and Applied Science, for election as Chairman of the University and Urban Affairs Committee to replace Professor Peter P. Hill, who resigned; he also nominated Randall K. Packer, Associate Professor of Biology, for election to the Athletics Committee. No nominations were made from the floor, and Professor Toridis and Professor Packer were elected unanimously.

(b) Professor Wood reported on the activities of the Executive Committee as follows:

On Nicholas Kyriakopoulos. Last week I felt like Daniel in the lions' den except that Daniel did not get chewed. I went to see Professor Raymond Pickholtz, Chairman of the Personnel Committee of the Department of Electrical Engineering and Computer Science. I went to confer about an alleged third grievance of Associate Professor Kyriakopoulos. With my permission Professor Pickholtz had invited five or six colleagues of the Personnel Committee. And I didn't have even Shadrach, Meshach, and Abednego with me. Well, perhaps I'm confusing the lions' den with the fiery furnace, but no matter. They really chewed me out, apparently largely blaming me for the long duration of the Kyriakopoulos grievances (grievance number two is still going on).

Subsequently, I talked with Nicholas Kyriakopoulos and told him that I would not move on his alleged third grievance at least until all the procedures on K-2 were concluded.

In reference to my critics on the Personnel Committee, I do wish to make a comment. It is neither proper nor am I competent to state a judgment as to whether or not Associate Professor Kyriakopoulos has met the criteria for promotion. Apparently the Personnel Committee believes he has not. Until and unless the Committee members change their minds, we can view it as upholding academic integrity that the Committee has not taken the advice, which I'm sure it

has received from some sources, to go ahead and promote him to get him out of their hair and to terminate - which I doubt that it would do - the costly and time- and effort-consuming grievance procedures in his case.

On John Helmer. Professor Theodore Perros, on behalf of the Special Mediation Committee composed of Steve Schiff, Bob Rutledge and himself, reported that effort failed to bring about an agreement between John Helmer and the Department of Sociology. Dr. Helmer has now asked that a hearing committee be selected from the Grievance Committee to hear his case. Peter Hill is in charge of the matter.

The Executive Committee also: (1) referred the Yeshiva matter to the Professional Ethics and Academic Freedom Committee; (2) referred the problem of erosion of retirement annuities brought up by Professor Steiner to the Appointment, Salary, and Promotions Policies (including Fringe Benefits) Committee; and (3) referred Professor Griffith's questions about the relation between tuition and faculty salaries to the Fiscal Planning and Budgeting Committee.

The President asked if there were any questions or comments. Professor Reiss asked if the basic problem in the Kyriakopoulos grievance was a failure to promote. Professor Wood replied that it was a failure to promote Dr. Kyriakopoulos from Associate Professor to Professor. Professor Reiss asked if the Hearing Committee had not determined in his favor, and Professor Wood replied that the Hearing Committee did not determine in his favor and then he appealed it to the whole Grievance Committee and they upheld the Hearing Committee's decision. Professor Wood said that this process resulted in some 1,000 pages of transcript and a 96-page Opinion prepared by Professor Seidelson of the Law School. Then, another period of time went by, Professor Wood said, and the Personnel Committee of the Department of Electrical Engineering and Applied Science once again failed to recommend Dr. Kyriakopoulos for promotion, and he filed a second grievance, presently in progress, claiming discrimination on the basis of religion because most of the members of the Personnel Committee were Jewish and he was Greek. He said that he informed Dr. Kyriakopoulos that he was not going to do anything about his alleged third grievance, claiming discrimination because the Personnel Committee had again failed to promote him, until his second grievance case has been completed.

- 6 Under Brief Statements, Professor Wood said that first he wished to introduce Van Tran to the Senate who was taking the place of Judy Fisher as assistant to Doris Trone. Secondly, Professor Wood said that he would like to read into the record a memorandum he received from Professor Richard D. Walk of the Psychology Department as follows:

I appreciate your remarks about faculty salaries. I agree more cooperation between the administration and the faculty is needed.

The problem with being Chairman is that of handing out differential amounts to faculty members when the average sum allocated (7%) is less than inflation. I do not mind giving a person "no raise" but I do not like to penalize him the way a 4-5% raise does, meaning a loss to inflation.

It seems to me we face a particular problem with our young people. How can a \$15,000 assistant professor ever become a \$30,000 professor when the differential for good service is only 2%? It takes about 50 years -- and these people have houses to buy, children to educate, etc. We are losing good people when we should build a strong faculty.

I think the whole salary structure needs to be evaluated, but my particular target now would be the younger faculty.

7

Upon motion made and seconded, President Elliott adjourned the meeting at 2:30 p.m.



Robert Gebhardtsbauer
Secretary

A RESOLUTION TO AMEND THE FACULTY CODE AS TO GRIEVANCE PROCEDURE (79/4)

WHEREAS, promotion and salary decisions are made on an annual basis with respect to members of the faculty; and

WHEREAS, formal grievance procedures under Section E of the Procedures for the Implementation of the Faculty Code are quite costly in terms of faculty time and University resources; and

WHEREAS, allowing annual full processing of grievances by the same members of the faculty is likely to result in substantial repetitive consideration of already-adjudicated matter; therefore

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY THAT:

be

Section E.3.b)1) ~~is~~ amended to read as follows (brackets indicating deletion; underlining indicating new matter):

Upon receipt of the complaint, the Chairman of the Grievance Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of three members from among the members of the Grievance Committee [.] , ~~unless the complaint concerns the denial of a promotion or the amount of a salary and the complainant previously presented issues either of the denial of promotion or of the amount of a salary to a Hearing Committee within the preceding three years, in which case the complaint shall be dismissed.~~ provided that if the Hearing Committee finds that the complaint is based upon issues, evidence or allegations that have been previously heard and decided, or which should have been presented in a previous hearing, the Hearing Committee, in its discretion, may dismiss the complaint.

Executive Committee of the Faculty Senate
September 28, 1979
Adopted, as amended, October 12, 1979

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Washington, D. C.

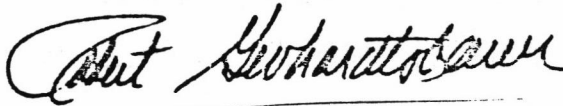
The Faculty Senate

October 3, 1979

The Faculty Senate will meet on Friday, October 12, 1979, at 2:10 p.m., in the Faculty Conference Room, Sixth Floor, Lisner Hall.

AGENDA

1. Call to order
2. Minutes of the regular meeting of September 14, 1979
3. Resolutions:
 - (a) A RESOLUTION TO AMEND THE FACULTY CODE AS TO GRIEVANCE PROCEDURE (79/4), Executive Committee of the Faculty Senate (resolution attached)
4. Introduction of Resolutions
5. General Business:
 - (a) Nomination for election of Theodore G. Toridis, Professor of Engineering and Applied Science, as Chairman of the University and Urban Affairs Committee as replacement for Professor Peter P. Hill, who resigned
 - (b) Report of the Executive Committee: Professor Reuben E. Wood, Chairman
6. Brief Statements
7. Adjournment



Robert Gebhardtsbauer
Secretary

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WHEREAS, allowing annual full processing of grievances by the same members of the faculty is likely to result in substantial repetitive consideration of already-adjudicated matter; therefore

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY THAT:

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Executive Committee of the Faculty Senate
September 28, 1979